

Hearing Officer Transmittal Checklist

Hearing Date
August 20, 2103
Agenda Item No.
2

Project Number: R2012-02251-(3)
Case(s): Conditional Use Permit No. 201200128
Planner: Travis Seawards

- ☒ Factual
- ☒ Property Location Map
- ☒ Staff Report
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☒ Old Conditions
- ☒ Photographs
- ☐ Aerial Image(s)
- ☐ Land Use Radius Map
- ☐ Tentative Tract / Parcel Map
- ☒ GIS Layers Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER R2012-02251-(3)
HEARING DATE August 20, 2013

PROJECT SUMMARY

REQUESTED ENTITLEMENTS
Conditional Use Permit No. 201200128
Environmental Assessment No. 201200235

OWNER / APPLICANT

A.P. Reilly Foundation

MAP/EXHIBIT DATE

May 2, 2013

PROJECT OVERVIEW

The project is a request for a Conditional Use Permit (CUP) to allow the continued use of a church in the unincorporated Santa Monica Mountains North Area. The project site includes two church buildings: the main church building includes a sanctuary, chapel, office, caretaker's unit, and a detached garage, and a second church building that is used for assembly purposes only. There is no proposed construction or change in use with this application.

LOCATION

30188 Mulholland Highway, Agoura, CA 91301

ACCESS

Mulholland Highway

ASSESSORS PARCEL NUMBER(S)

4464004002, 4464004012, and 4464004019

SITE AREA

16.97 Acres

GENERAL PLAN / LOCAL PLAN

Santa Monica Mountains North Area Plan

ZONED DISTRICT

Malibu

LAND USE DESIGNATION

N10 – Mountain Lands 10

ZONE

R-R-10 (Resort and Recreation – 10 Acre
Minimum Area Required)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Santa Monica Mountains North Area CSD

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Santa Monica Mountains North Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.44.133 (Santa Monica Mountains North CSD Requirements)
 - 22.40.200 (R-R Zone Development Standards)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

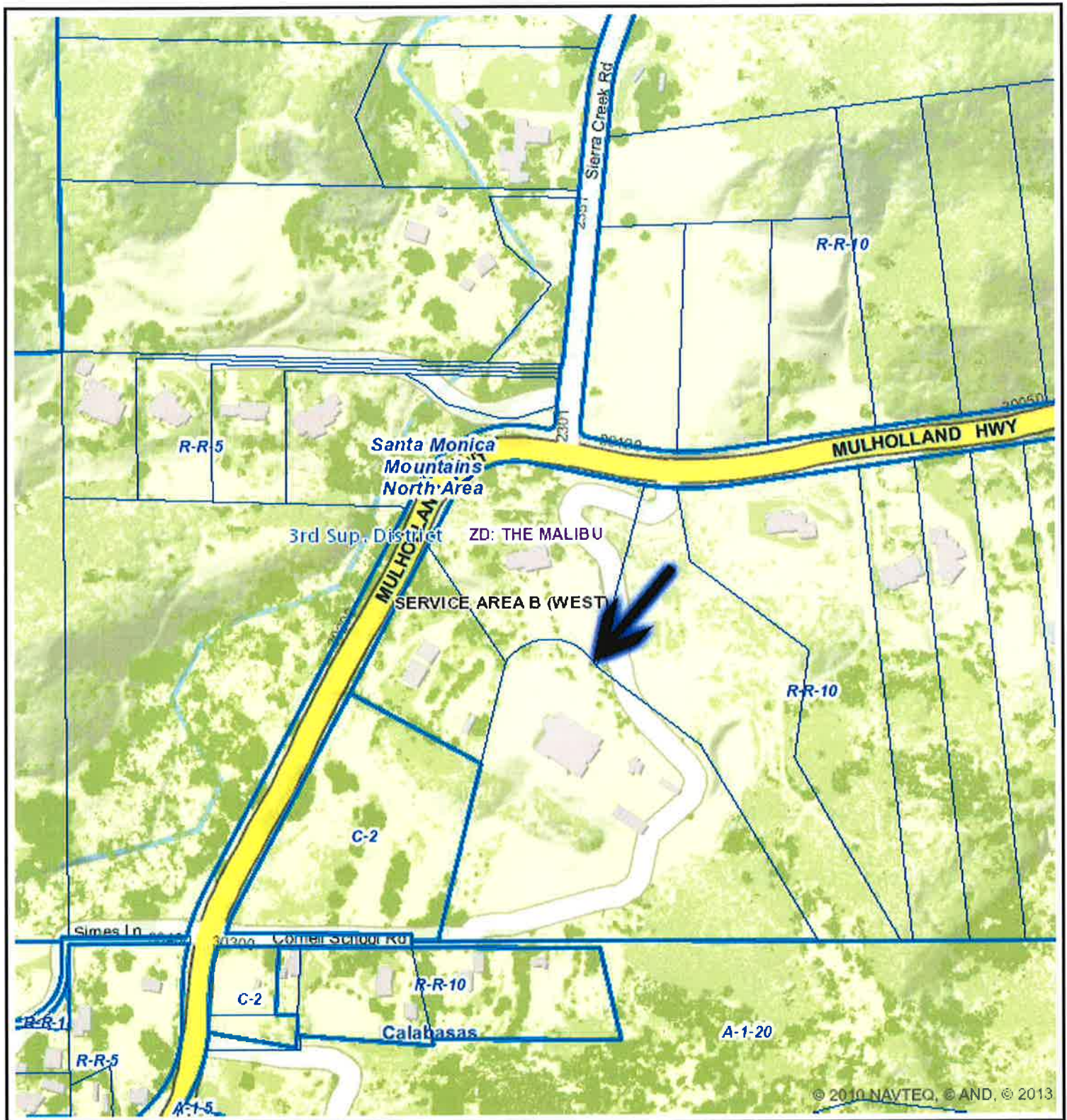
Travis Seawards

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Department of Regional Planning **R2012-02251-(3): Property Location Map**

Printed: Jun 26, 2013



0 600
Feet

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the continued use of a church in the R-R10 (Resort and Recreation – 10 Acre Minimum Area Required) Zone pursuant to County Code Section 22.40.220.

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit (CUP) to allow the continued use of a church in the unincorporated Santa Monica Mountains North Area. The project site includes two church buildings: the main church building includes a sanctuary, chapel, office, caretaker's unit, and a detached garage, and a second church building that is used for assembly purposes only. There is no proposed construction or change in use with this application.

SITE PLAN DESCRIPTION

The project site includes three parcels totaling 16.97 acres. The site is accessed from Mulholland Highway through a gate on an uphill driveway that leads to two parking areas. The first parking area leads to the 3,100-square-foot, one-story church building. The second parking area is toward the southern parcel boundary for the main church area, which is a two-story, 15,236-square-foot structure and includes a sanctuary, chapel, office, and a caretaker's unit that is occupied by a full-time priest. From the main church area the project site is steeply sloped uphill toward the south. There are a total of 93 parking spaces for the site. The site is heavily landscaped. There is a six-foot-tall iron fence along the Mulholland frontage, and a four-foot-tall fence around a drainage swale to the east of the main church area. A six-foot-tall chain link fence runs along the western project site boundaries and will be camouflaged with new drought tolerant plants.

EXISTING ZONING

The subject property is zoned R-R-10, in the Malibu Zoned District.

Surrounding properties are zoned as follows:

North: R-R-5 (Resort and Recreation – 5 Acre Minimum Area Required) and R-R-10
South: A-1-20 (Light Agricultural – 20 Acre Minimum Area Required) and R-R-10
East: R-R-10
West: C-2 (Neighborhood Business) Zone, R-R-5 and R-R-10

EXISTING LAND USES

The subject property is developed with two churches.

Surrounding properties are developed as follows:

North: Low density, single-family residences and vacant, rugged rural land
South: Low density, single-family residences and vacant, rugged rural land
East: Low density, single-family residences and vacant, rugged rural land
West: Low density, single-family residences and vacant, rugged rural land

PREVIOUS CASES/ZONING HISTORY

- Special Permit Case No. 2112 approved the existing 3,100 square foot church building on May 25, 1971.
- Conditional Use Permit No. 00-129-(3) approved the main church structure on April 17, 2002 and expired on April 17, 2012. A Notice of Violation was served on July 16, 2012 for the expired CUP.
- On October 13, 2004, Oak Tree Permit 04-183 approved the encroachment into the protected zone of one (1) oak tree for the construction of a storm drain outlet.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request to continue the existing use of a church on the site. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is designated N-10 (Mountain Lands 10) under the Santa Monica Mountains North Area Plan. The N-10 land use designation consists of those rolling hillside areas, steep slopes, and isolated remote mountain lands with difficult or no access. Mountainous Lands also include areas served by winding mountain roads which cannot accommodate substantial increases in traffic from new development. Permitted uses include low density single family housing, agriculture, equestrian uses, retreats, monasteries, private camp grounds, bed-and-breakfast lodging, low intensity conference centers, public and private schools, water tanks, telecommunications facilities and other local serving commercial and public facilities. The existing church and the continued use of the site as a church will not add more traffic to the area, and a church is comparable to a monastery or a conference center and is therefore consistent with the permitted uses of the underlying land use category.

Zoning Ordinance and Development Standards Compliance

CUP 00-129 approved a church in the R-R Zone on April 17, 2002. Pursuant to Section 22.40.230 of the County Code, establishments in the R-R Zone are subject to the following development standards:

- **Parking:** Every church, temple or other similar place used in whole or in part for the gathering together of persons for worship, deliberation or meditation shall provide, within 500 feet thereof, one parking space for each five persons based on the occupant load of the largest assembly area as determined by the county engineer. Per CUP 00-129, the project was required to provide 93 parking spaces for all facilities on the site based on occupancy loads. The project site maintains the 93 parking spaces.

Pursuant to Section 22.44.133 of the County Code, establishments in the Santa Monica Mountains North Area Community Standards District (CSD) are subject to the following development standards:

- A building or structure in Zone R-R shall not exceed a height of 35 feet above grade, excluding signs that are permitted by Part 10 of Chapter 22.52, chimneys, and rooftop antennas. The R-R Zone does not have a height limit. The CSD was adopted on August 20, 2002 and became effective on September 19, 2002 and established the 35 foot height limit in the R-R Zone. CUP 00-129 approved the church on April 17, 2002 with the height of the main roof at 32-feet above grade, and with a bell tower at 42-feet above grade. Therefore the project was approved before the existing height limit was established and the structure is now non-conforming due to height.

Neighborhood Impact/Land Use Compatibility

The project is a request to continue the operation of a church that has two sanctuaries that has been in existence since 1971 and 2002. The project site is located in the Santa Monica Mountains off of Mulholland Highway. It has not had a detrimental impact on the area and the continued use will not jeopardize public safety. There have been no complaints from the public and no history of zoning violations related to the site.

The surrounding area is rural with a rugged landscape and is developed with very low-intensity development consisting mostly of single-family residences on large lots. The project site is approximately 17 acres and is developed with Mediterranean-style structures. The main church was approved and constructed in 2002 to meet all applicable development standards and is consistent with the low-intensity, rugged development pattern in the area. The structures and site were developed to conform to the natural slope of the land, and the site is heavily landscaped and very well-maintained. The project proposes no new construction or change in use. As such, the project site is adequately served by existing roads and services.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The Departments of Public Works and Public Health and the County Fire Department were consulted on the project and they had no additional requirements for the project site.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

There have been no public comments related to the project.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2012-02251-(3), Conditional Use Permit Number 201200128, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201200128 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Travis Seawards, Regional Planning Assistant
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:
Draft Findings
Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Environmental Document
Site Photographs, Photo Simulations, Aerial Image
Site Plan

MKK:TSS
6/26/13

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02251-(3)
CONDITIONAL USE PERMIT NO. 201200128**

1. **ENTITLEMENT REQUESTED.** The applicant, A.P. Reilly Foundation, is requesting a Conditional Use Permit (CUP) to authorize the continued use of a church pursuant to County Code Section 22.40.220 in the R-R-10 (Resort and Recreation – 10 Acre Minimum Area Required) Zone.
2. **HEARING DATE.** August 20, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**
4. **PROJECT DESCRIPTION.** The project is a request for a Conditional Use Permit (CUP) to allow the continued use of a church in the unincorporated Santa Monica Mountains North Area. The project site includes two church buildings: the main church building includes a sanctuary, chapel, office, caretaker's unit, and a detached garage, and a second church building that is used for assembly purposes only. There is no proposed construction or change in use with this application.
5. **LOCATION.** The subject property is located at 30188 Mulholland Highway, in the unincorporated Santa Monica Mountains North Area in the Malibu Zoned District.
6. **SITE PLAN DESCRIPTION.** The project site includes three parcels totaling 16.97 acres. The site is accessed from Mulholland Highway through a gate on an uphill driveway that leads to two parking areas. The first parking area leads to the 3,100-square-foot, one-story church building. The second parking area is toward the southern parcel boundary for the main church area, which is a two-story, 15,236-square-foot structure and includes a sanctuary, chapel, office, and a caretaker's unit that is occupied by a full-time priest. From the main church area the project site is steeply sloped uphill toward the south. There are a total of 93 parking spaces for the site. The site is heavily landscaped. There is a six-foot-tall iron fence along the Mulholland frontage, and a four-foot-tall fence around a drainage swale to the east of the main church area. A six-foot-tall chain link fence runs along the western project site boundaries and will be camouflaged with new drought tolerant plants.
7. **EXISTING ZONING.** The subject property is zoned R-R-10 (Resort and Recreation – 10 Acre Minimum Area Required). Surrounding parcels are zoned R-R-5 (Resort and Recreation – 5 Acre Minimum Area Required) and R-R-10 to the north, A-1-20 (Light Agricultural – 20 Acre Minimum Area Required) and R-R-10 to the south, R-R-10 to the east, and C-2 (Neighborhood Business) Zone, R-R-5 and R-R-10 to the west.

8. **EXISTING LAND USES.** The subject property is developed with a church with two buildings used for assembly. The surrounding area is developed with low density residences and vacant, rugged rural land in all directions.
9. **PREVIOUS CASES/ZONING HISTORY.** Special Permit Case No. 2112 approved the existing 3,100-square-foot church building on May 25, 1971. Conditional Use Permit No. 00-129-(3) approved the church and accessory structure on April 17, 2002 and expired on April 17, 2012. This new CUP was filed to replace the expired CUP and continue the existing use. On October 13, 2004, Oak Tree Permit 04-183 approved the encroachment into the protected zone of one (1) oak tree.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The existing church is consistent with the permitted uses of the underlying land use category. The project site is designated N-10 (Mountain Lands 10) under the Santa Monica Mountains North Area Plan. The N-10 land use designation consists of those rolling hillside areas, steep slopes, and isolated remote mountain lands with difficult or no access. Mountainous Lands also include areas served by winding mountain roads which cannot accommodate substantial increases in traffic from new development. Permitted uses include monasteries and locally serving commercial and public facilities such as churches.
11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The project is compliant with the required parking provisions. Pursuant to Section 22.40.230 of the County Code, establishments in the R-R Zone are subject to the following development standards: Parking: Every church, temple or other similar place used in whole or in part for the gathering together of persons for worship, deliberation or meditation is required to provide, within 500 feet thereof, one parking space for each five persons based on the occupant load of the largest assembly area as determined by the county engineer. Per CUP 00-129, the project was required to provide 93 parking spaces for all facilities on the site. The project site maintains the 93 parking spaces.
12. The project is non-conforming for the existing height limit in the R-R Zone. Pursuant to Section 22.44.133 of the County Code, establishments or structures in the Santa Monica Mountains North Area Community Standards District (CSD) in the R-R Zone shall not exceed a height of 35 feet above grade, excluding signs that are permitted by Part 10 of Chapter 22.52, chimneys, and rooftop antennas. The R-R Zone does not have a height limit. The CSD was adopted on August 20, 2002 and became effective on September 19, 2002 and established the 35 foot height limit in the R-R Zone. CUP 00-129 approved the church on April 17, 2002 with the height of the main roof at 32-feet above grade, and with a bell tower at 42-feet above grade. Therefore the project was approved before the existing height limit was established and the structure is now non-conforming due to height.
13. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project site is located in the Santa Monica Mountains and is surrounded by large-lot, low-density

development. The two churches on the 16.97-acre project site are compatible with this development pattern.

14. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Departments of Public Works and Public Health and the County Fire Department were consulted on the project and had no additional requirements for the project site.
15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
16. **PUBLIC COMMENTS.** Staff has not received any public comments on the project.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project is a request to continue the operation of a church. Monasteries and other locally serving commercial and public uses are permitted on the subject property's land use designation. Therefore, the proposed use will be consistent with the adopted general plan for the area.
18. One of the sanctuaries was approved in 1971. The main church building was approved in 2002 and has been in existence for approximately 10 years with no history of public complaints or zoning violations. No new construction is proposed, and the use on the site is not changing. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
19. The surrounding area is rural with a rugged landscape and is developed with very low-intensity development consisting mostly of single-family residences on large lots. The main church was approved and constructed to meet all applicable development standards and is consistent with the development pattern in the area. The structures and site were developed to conform to the natural slope of the land, and landscaping is minimized to maintain the natural vegetative character of the area. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
20. The project is a request to renew an existing use and does not propose any new construction or change in use or daily operations. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as

necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

21. The project is request to continue the existing use of two churches. Therefore, the project qualifies as a Categorical Exemption 1 – Existing Facilities and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
22. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to twenty (20) years.
23. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer/Director has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200128 is **APPROVED** subject to the attached conditions.

MKK:TSS
6/26/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02251-(3)
CONDITIONAL USE PERMIT NO. 201200128**

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit (CUP) to allow the continued use of a church in the unincorporated Santa Monica Mountains North Area, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on August 20, 2033.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the **church** and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken

on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize the continued use of a church.
20. No access to the church property shall be taken from Cornell School Road, with the exception of emergency vehicles and by ground maintenance crews.
21. Outdoor storage is expressly prohibited.
22. The permittee shall maintain in good condition any fencing surrounding the property. Any new fencing shall be constructed so as not to impede the migration of small animals. The existing chain link fencing shall be camouflaged with landscaping.
23. Any exterior lighting shall be limited to that necessary for safety, kept at low levels, and directed away from neighboring residences to prevent direct illumination and glare. Exterior lighting shall be connected to a timer set so the lights will be turned off no later than 10:00 pm, unless a special event is scheduled, in which case the lights will be turned off no later than 10:30 pm. Light surrounding the walkways, stairways, and passageways in close proximity to the building shall be installed for security purposes, set on motion sensors, kept at low levels and directed away from neighboring residences to prevent direct illumination and glare.
24. The use of the facility for events in which the intent is to bring in large numbers of the public who would ordinarily not participate in church activities or for the primary purpose of fundraising or membership drives, such as bingo, lotteries, dances, carnivals, fairs, or any similar event open to the public is prohibited. This

prohibition shall not apply to church activities intended to provide religious, social or recreational outlet for registered parishioners, their friends and family members.

25. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
26. Regular Sunday services, including any religious classes, shall be limited to the hours between 8 am and 3 pm. Services shall be limited to one mass on Sunday. In addition to regular Sunday services, in recognition of the fundamental purpose of a church, a limited number of parishioners, not to exceed 50, may gather at any one time for the purpose of personal daily worship, counseling sessions, spiritual guidance and other incidental church or religious-related meetings.
27. All simultaneous uses of the subject property shall not exceed a total occupancy of 256.
28. In addition to regular Sunday services, the church shall be permitted to hold religious services on six (6) "Holy days of Obligation" on the following dates:
 - a. January 1st
 - b. Ascension day (40 days after Easter)
 - c. August 15th
 - d. November 1st
 - e. December 8th
 - f. Christmas Day
29. Special events, including weddings, funerals, St. Patrick's Day event, picnics, and youth days shall be limited to twelve (12) per year, with a maximum of two in one month, excluding weddings and funerals. All special events shall conclude by 10:00 pm.
30. Outdoor amplified music and outdoor public address systems are prohibited.
31. The subject facility may not be rented or loaned for events by other organizations.
32. The church bell is to be rung only on special occasions and shall not be rung before 9 am or after sunset.
33. The church shall designate a representative to be a liaison to the president of the Cornell Preservation Organization and provide the organization with the representative's name and telephone number.
34. Church members are prohibited from parking on Mulholland Highway while using or visiting the property.
35. Any outdoor trash containers shall be covered and enclosed.

36. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated November 30, 2012 or to the satisfaction of said department.
37. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated April 12, 2012 or to the satisfaction of said department.

Attachments:

Fire Department Letter dated November 30, 2012
Public Health Letter dated April 12, 2012



COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Acting Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

JACQUELINE TAYLOR, REHS
Director of Environmental Protection Bureau

PATRICK NEJADIAN, REHS
Chief EHS, Land Use Program

MICHELLE TSIEBOS, REHS
Environmental Health Specialist IV
Land Use Program
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5382 • FAX (626) 813-3016



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April 12, 2012

TO: Travis Seawards
Regional Planning Assistant II
Department of Regional Planning

FROM: Michelle Tsiebos, MPA, REHS
Environmental Health Division
Department of Public Health



SUBJECT: **PROJECT NO.R2012-02251 / CUP 201200128**
30188 Mulholland Hwy., Agoura

- ☒ Environmental Health recommends approval of this CUP.
- ☐ Environmental Health does **NOT** recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the information provided regarding the CUP for the continued use of an existing church. We have no objection to the approval of the CUP contingent upon the following condition:

The proposed facility shall be supplied with potable water through an approved public water system, and wastewater disposal shall be accommodated through public sewer and wastewater treatment facilities.

For any other questions, please feel free to contact me at (626) 430-5382.



COUNTY OF LOS ANGELES FIRE DEPARTMENT

Fire Prevention Division
Land Development Unit
5823 Rickenbacker Road
Commerce, California 90040-3027
Office (323) 890-4243 Fax (323) 890-9783

DATE: November 30, 2012

SITE PLAN DATE: Not Provided

TO: Department of Regional Planning
Zoning Permits West - Travis Seawards

PROJECT #: R2012-02251

LOCATION: 30188 Mulholland Highway, Agoura

- ☒ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☐ This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone (VHFHSZ). A Preliminary Fuel Modification Plan shall be submitted and approved prior to the Public Hearing. For details, please contact the Department's Fuel Modification Unit which is located at Fire Station 32, 605 North Angeleno Avenue, Azusa, CA 91702-2904. They may be reached at (626) 969-5205.
- ☐ The required fire flow for this development is ____ gallons per minute for ____ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. ____ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- ☐ All fire hydrants shall be 6" X 4" X 2 1/2" and conform to AWWA C503-75 or approved equal standard. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- Install ____ public fire hydrant(s).
Install ____ private on-site fire hydrant(s).
Provide Fire Flow Test for ____ existing public fire hydrant(s).

☐ Water: ____

☐ Access: ____

☐ Conditions for Approval: ____

☒ Comments: The proposed project is "cleared" to proceed to public hearing.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Wally Collins



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

No new construction is proposed and the facility will remain as a place of worship;

the facility houses just the priest and does not offer any other

kind of accommodations so there is little to no possibility of off-hours congregation and activity;

the facility does not run any equipment or produce anything so no nuisances are produced;

the size and frequency of the assemblies are maintained to the approved levels and have not caused

any undue disruption to the community; no new construction is proposed.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

There is no new construction proposed so the facility will remain per originally filed and approved

plans; the facility and its associated service and parking are all set back from the road; the natural

shape of the hill and landscape has been kept and maintained so as to blend in with the surrounding

areas.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

there is no new construction proposed that would alter the demand from the previously approved and

constructed plans; the size and frequency of the assemblies are maintained to the approved levels

and have not caused any undue disruption to the community; all existing procedures will be continued.

CONDITIONAL USE PERMIT 00-129-(3)

CONDITIONS

Page 1 of 6

1. This grant authorizes the use of the subject property for the continued operation, maintenance and expansion of a church facility, including an existing one-story church building with a minister/caretaker's residence inside and adding a two-story building with basement and caretaker's residence inside and a parking lot, subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to Condition Nos. 9 and 12.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing and with the correct fee, before the expiration date.

7. **This grant will terminate April 17, 2012.** At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning.
8. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$1500.00**. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 10 annual inspections.

If any inspection discloses that the subject property is being used in violation of any one or more of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
12. Upon the approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current fee amount is \$1,275.00.
13. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage.

14. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
15. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for review and approval, three (3) copies of revised site plans, similar to the Exhibit "A" as presented at the public hearing, depicting all changes proposed by the applicant or required in the conditions of approval. Changes include the re-design of the planted slope above the main driveway to undulate more in imitation of the hillsides' natural sloping by landscaping. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A". In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
16. Within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three (3) copies of a landscape plan. Only native plants shall be used on the subject property. The permittee shall gradually remove eucalyptus and pine trees to be replaced with indigenous trees such as sycamore or coastal live oak. All eucalyptus and pine trees within 50 feet of structures shall be removed as part of the Fuel Modification Plan as approved by the Los Angeles County Forester and Fire Warden.
17. The construction, operation, and maintenance of the proposed use, as depicted on the approved revised Exhibit "A", shall be further subject to all of the following restrictions:
 - a. All structures shall obtain the necessary permits from and conform with the requirements of the Division of Building and Safety of the Department of Public Works;
 - b. Upon approval of this grant, the permittee shall contact the Fire Prevention Division of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
 - c. The permittee shall comply with the NPDES requirements of the California Regional Water Quality Control Board and the Los Angeles County Department of Public Works.
 - d. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Fire Department memo dated December 12, 2001, or as otherwise required by said department.

- e. The permittee shall comply with all conditions set forth in the attached Department of Public Works memo dated February 7, 2002, or as otherwise required by said department. The permittee shall comply with the requirements of the drainage concept approved by the Department of Public Works on July 14, 2001.
- 18. The subject property shall be developed and maintained in compliance with all requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
- 19. A minimum of 93 on-site standard parking spaces shall be provided for the entire facility, including five (5) spaces reserved for the handicapped, and with appropriate access to the subject facilities. The handicapped parking spaces shall be 14 ft. wide and lined to provide a 9 ft. parking area and a five ft. loading and unloading area and meet the Americans With Disabilities Act (ADA) requirements.
- 20. No access to the church property shall be taken from Cornell School Road, with the exception of emergency vehicles and by grounds maintenance crews and during construction.
- 21. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises under which the permittee has control.
- 22. Outdoor storage is expressly prohibited.
- 23. The permittee shall maintain in good condition any fencing surrounding the property. Any fencing along the Mulholland frontage shall be of split-rail type. Any fencing shall be constructed so as not to impede the migration of small animals. No chain-link fencing is permitted.
- 24. Any exterior lighting shall be limited to that necessary for safety, kept at low levels, and directed away from neighboring residences to prevent direct illumination and glare. Exterior lighting shall be connected to a timer set so the lights will be turned off no later than 10:00 pm, unless a special event is scheduled, in which case the lights will be turned off no later than 10:30 pm. Light surrounding the walkways, stairways, and passageways in close proximity to the building shall be installed for security purposes, set on motion sensors, kept at low levels, and directed away from neighboring residences to prevent direct illumination and glare.
- 25. The use of the facility for events in which the intent is to bring in large numbers of the public who would ordinarily not participate in church activities or for the primary purpose of fundraising or membership drives, such as bingo, lotteries, dances, carnivals, fairs, or any similar event open to the public is prohibited. This prohibition shall not apply to church activities intended to provide a religious, social or recreational outlet for registered parishioners, their friends and family members.

26. The sale of alcoholic beverages on site is prohibited. The consumption of alcoholic beverages is permitted only in conjunction with the uses authorized by this grant.
27. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
28. If any construction activities take place between March 1 and August 31, a project biologist acceptable to the County shall assess on-site vegetation to be removed and vegetation within 150 feet of project activities to determine the presence of active passerine bird nests no sooner than three days prior to commencement of construction. Active nests shall be provided with a minimum clearance of 150 feet from construction activities until nests become inactive.
29. The permittee shall submit to the director and shall record a covenant and agreement to hold the three parcels comprising the subject property as one parcel.
30. The exterior façade of the subject buildings shall be of an earth-toned color. White may not be used.
31. The permittee shall place a small sign (maximum size of 1' X 4') identifying the church address along the frontage of Mulholland Highway to the satisfaction of the Director of Planning.
32. Regular Sunday services, including any religious classes, shall be limited to the hours between 8 a.m. and 3 p.m. Services shall be limited to one mass on Sunday. In addition to regular Sunday services, in recognition of the fundamental purpose of a church, a limited number of parishioners, not to exceed 50, may gather at any one time for the purpose of personal daily worship, counseling sessions, spiritual guidance and other incidental church or religious-related meetings.
33. All simultaneous uses of the subject property shall not exceed a total occupancy of 256.
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 - a. January 1st
 - b. Ascension Day (40 days after Easter)
 - c. August 15th
 - d. November 1st
 - e. December 8th
 - f. Christmas Day

CONDITIONAL USE PERMIT 00-129-(3)

CONDITIONS

Page 6 of 6

35. Special events, including weddings, funerals, St. Patrick's Day event, picnics, and youth days shall be limited to twelve (12) per year, with a maximum of two in one month, excluding funerals. Weddings and funerals may only be held for registered parishioners and their families. All special events shall conclude by 10:00 p.m.
36. Outdoor amplified music and outdoor public address systems are prohibited.
37. The subject facility may not be rented or loaned for events by other organizations.
38. The church bell is to be rung only on special occasions and shall not be rung before 9 am or after sunset.
39. The church shall designate a representative to be a liaison to the president of the Cornell Preservation Organization and provide the organization with the representative's name and telephone number.
40. Construction shall be limited to weekdays only. There shall be no heavy machinery, i.e. bulldozers, operated on site before 8 am.
41. A "Right Turn Only" sign shall be posted on Mulholland Highway for exiting the subject property.
42. Church members are prohibited from parking on Mulholland Highway while using or visiting the property.
43. Any outdoor trash containers shall be covered.

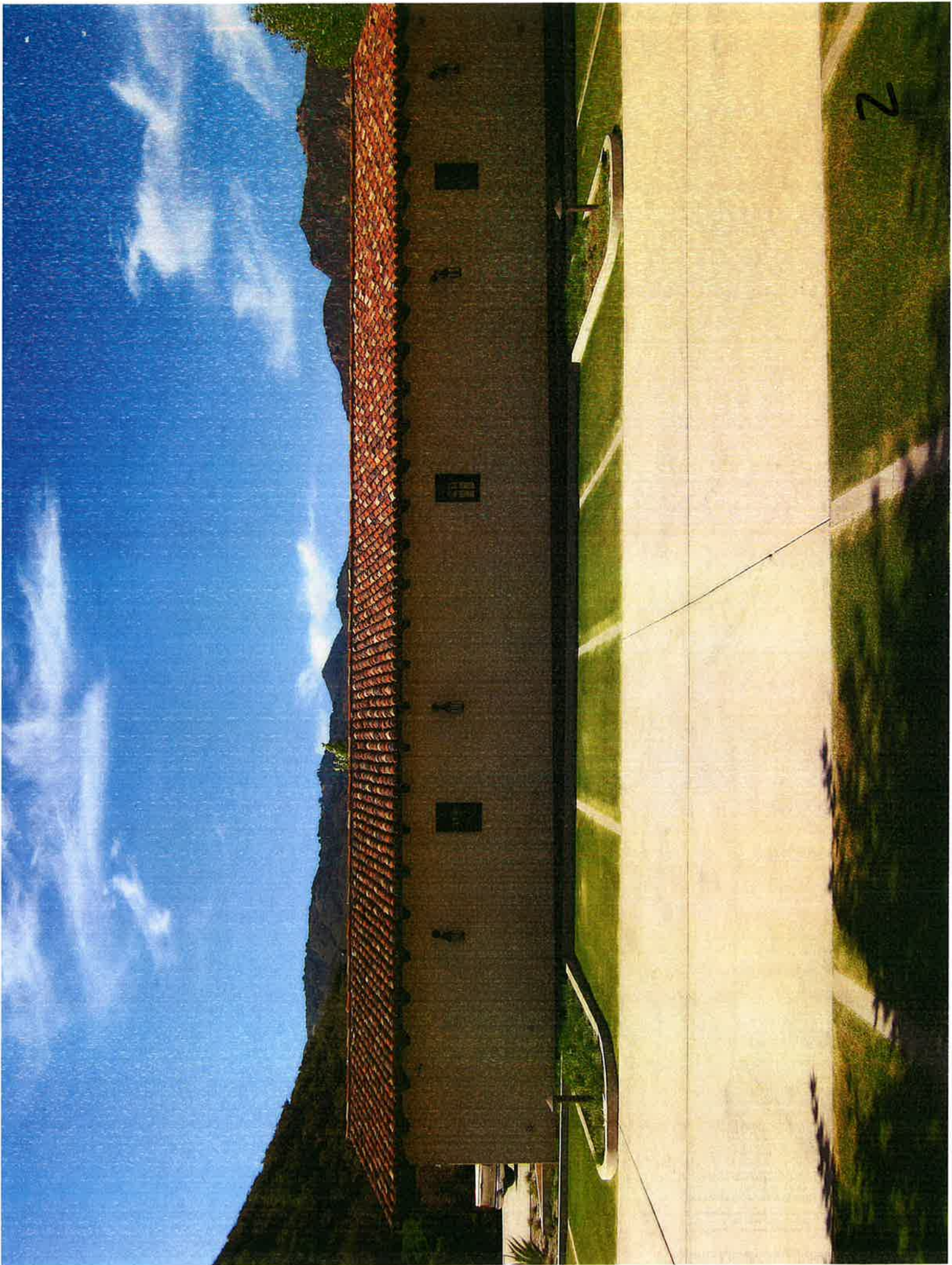
Attachment

Fire Department memo dated December 12, 2001

Department of Public Works memo dated February 7, 2002

FM:PL 4/18/02



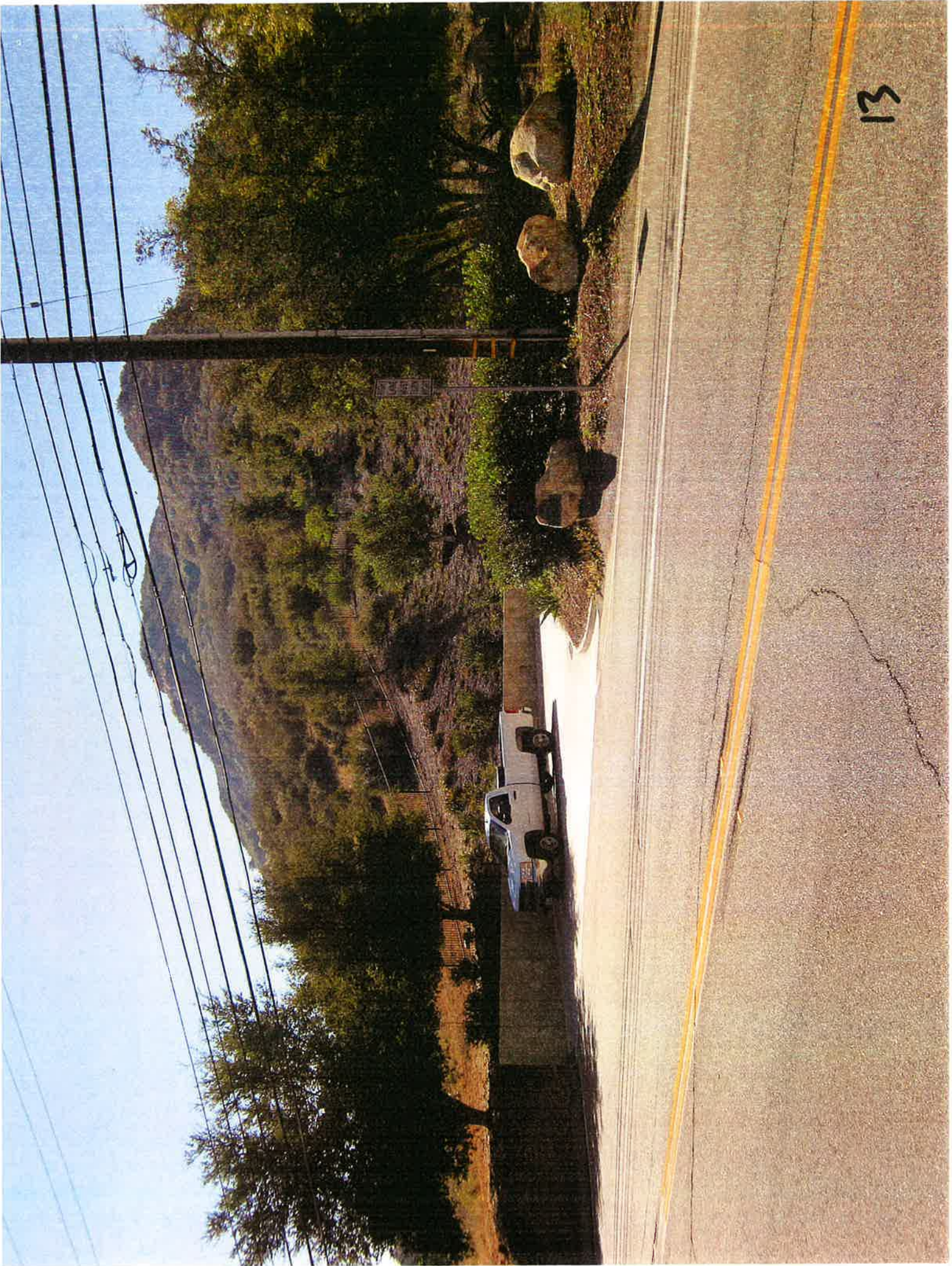




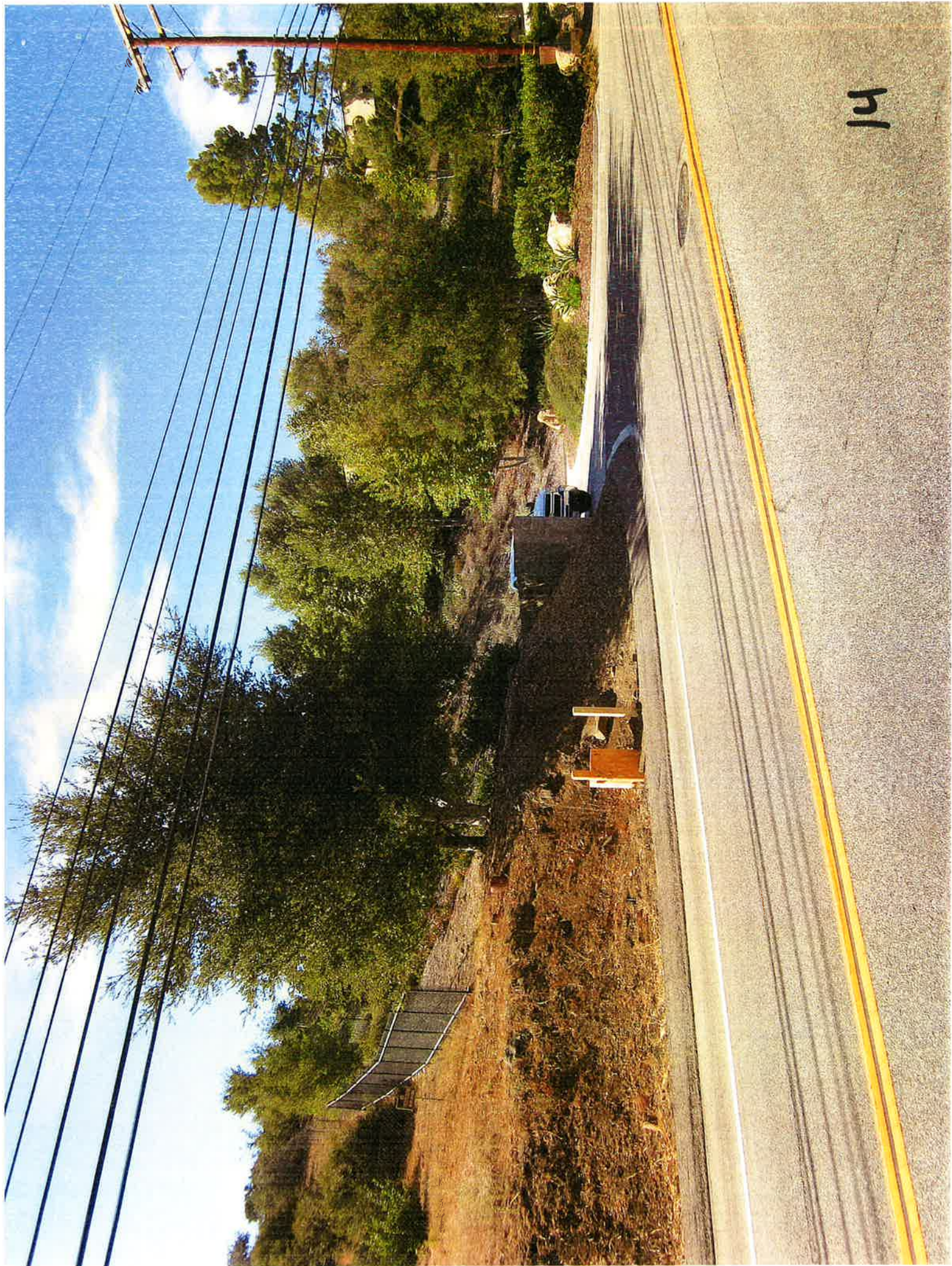






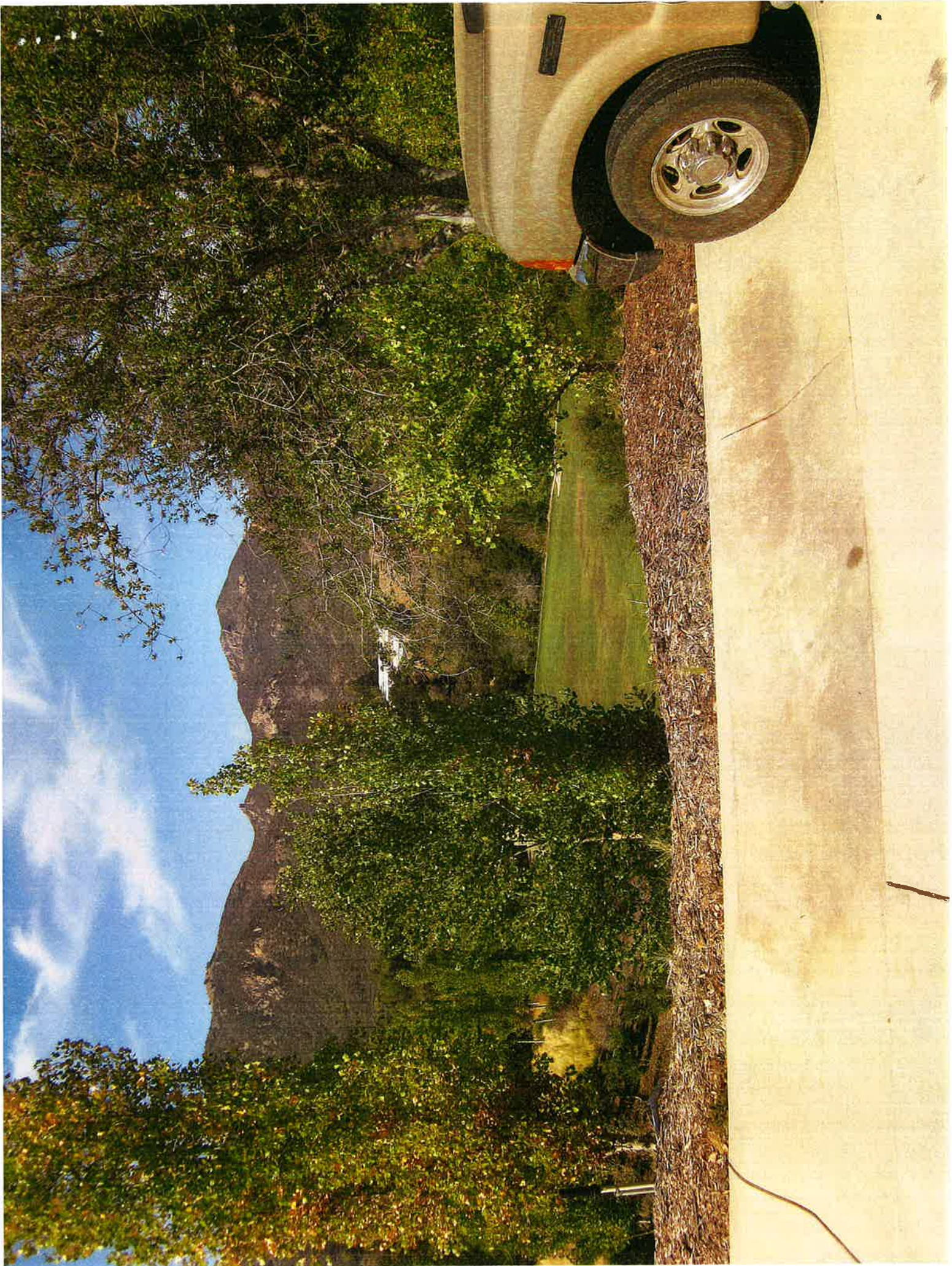


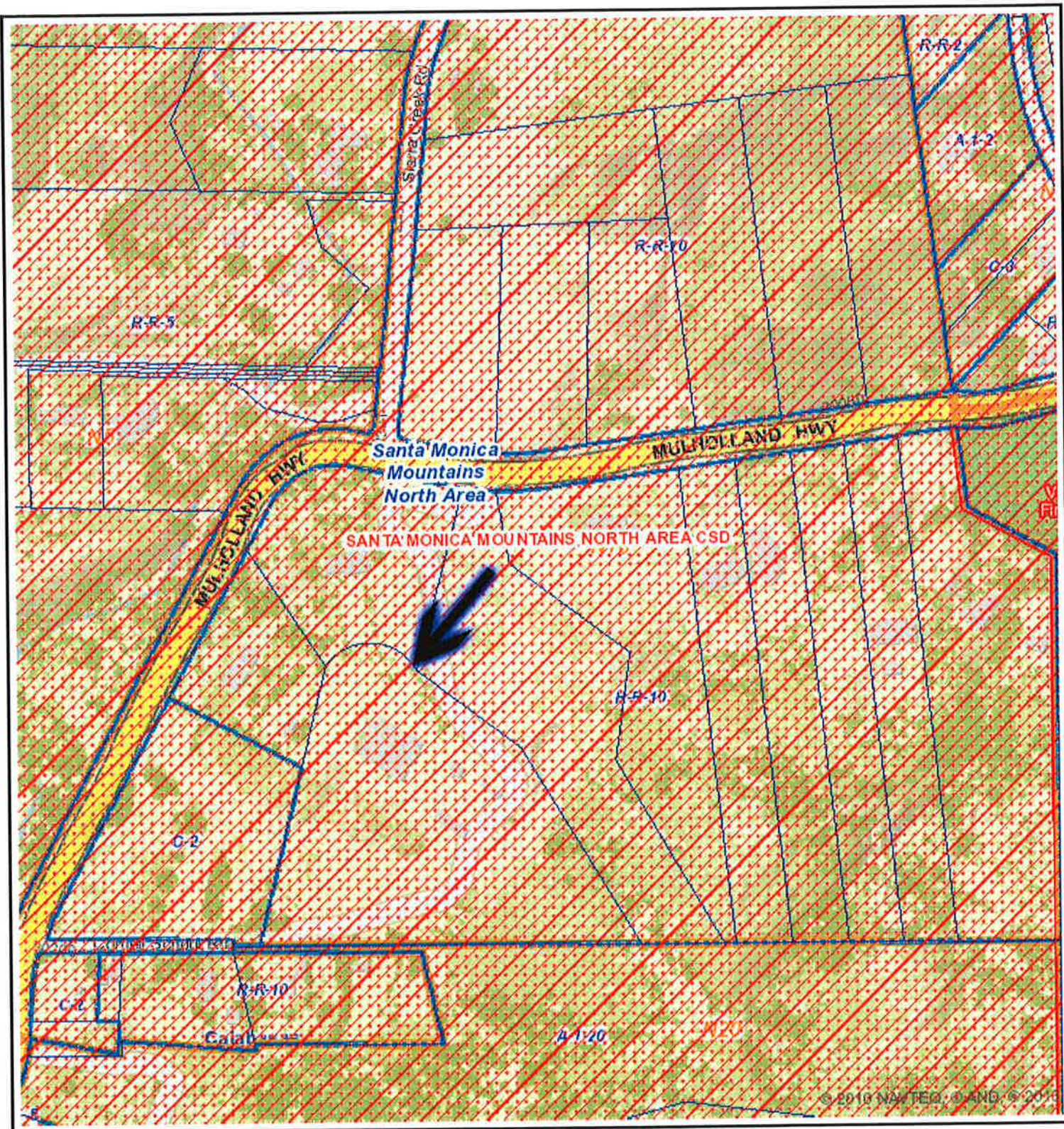
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Department of Regional Planning

R2012-02251-(3): GIS Layers Map

Printed: Jun 26, 2013



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